

VEVAY TOWNSHIP PLANNING COMMISSION
Regular Meeting/Public Hearing
Tuesday, November 10, 2020
Vevay Township Hall – 6:30 p.m.

MINUTES

Members present: Jack Cady, John Lazet, Chris Lewis, Pattie McNeilly, Jim Minster, Bruce Walker, and Al Winters.

As Comm. Walker was attending via telephone and not in person, he could not vote on any of the motions tonight.

Member absent: None.

Other Persons present: Zoning Administrator David Vincent and Legal Counsel David Revore.

I. Call to Order: The meeting was called to order at 6:30 p.m. by Chair McNeilly.

II. Pledge of Allegiance

Those audience joined the Commission in reciting the Pledge of Allegiance.

III. Set/Amend Agenda

The agenda was accepted as presented.

IV. Approval of Minutes: Regular/Public Hearing 10/7/20, special meeting 10/14/20, and special meeting 11/5/20

October 7, 2020 minutes: No amendments were offered.

MOTION Cady, seconded by Lewis, to approve the October 7, 2020, regular/public hearing meeting minutes as submitted.

CARRIED 5-0.

October 14, 2020 minutes: No amendments were offered.

MOTION Cady, seconded by Lewis, to approve the October 14, 2020, special meeting minutes as submitted.

CARRIED 5-0.

November 5, 2020 minutes: No amendments were offered.

MOTION Minster, seconded by Lewis, to approve the November 5, 2020, special meeting minutes as submitted.

CARRIED 5-0.

V. Brief Public Comment

There was no public comment.

VI. Recess to Public Hearing regarding: SLU Permit application for an Indoors Recreational Facility from Streamline Enterprise/Holy Boxing LLC @ 4171 Legion Drive, Mason

Chris and Emma Schneider – have been members for almost three years. With COVID-19, there have been fewer people, but nine participants were present this past Monday. He’s seen disorganized programming in other venues, but this is well organized.

Mr. Esser – owns the building and runs the program, and noted that it’s an expensive operation to run. He’s looking to increase membership to the point of financial independence. Depending on interest, days and hours of operation may flex in the future.

VII. Adjournment of Public Hearing and Recommencement of Regular Meeting

There being no further public comment, the public hearing was ended at 6:48 pm, and the regular meeting recommenced.

VIII. Reports

A. October 2020 Building Report

The previously distributed October report indicated seven individual activities, including: three reroofing projects, a “fix basement”, stabilizing a basement, a new home, and adding a carport to a residence.

B. October 2020 Zoning/Enforcement Reports

The previously distributed report indicated seven cases remain open and are in varying stages of resolution. Since Mr. Vincent has started with the Township, 36 complaint-based cases have been resolved or brought into compliance. Several of the cases are progressing in a manner to be resolved or in compliance relatively soon.

In response to questions, Mr. Revore noted that the resident at 1668 West Dansville Road appealed to the Zoning Board of Appeals his denial of placement of a mobile home near an existing residence. On Monday, November 9, the day of the ZBA hearing, the resident asked to rescind his appeal, stated he would be removing the mobile home from the property, and he would then start the permitting process over again. The timetable to move the trailer is 60 days at the most. The ZBA accepted his recission of the appeal.

IX. Pending Business

A. SLU Permit Application Request from Streamline Enterprise/Holy Boxing LLC @ 4171 Legion Drive, Mason, for an Indoor Recreational Facility

Chair McNeilly – explained that Mr. Esser had described the proposed operation and answered pertinent questions during the October 7, 2020, Commission meeting.

In compliance with a Commission request on October 7, 2020, the applicant submitted timely a statement that there will be no indoor motorized recreational vehicles that emit exhaust or hydrocarbons from gas or petroleum fuel.

APPLICATION

Commission – Section 16.02 (A) requires the application to have met the following conditions:

2. An application for a Special Land Use shall consist of the following:
 - a. Twelve (12) copies of a Site Plan meeting the requirements of Chapter 14. – Not applicable pursuant to Section 15.06, as the footprint of the building remains unchanged and there is no change in the number of parking spaces on site.
 - b. A completed Township application form - Condition met, as noted by the Zoning Administrator on his report and as determined by the Commission.
 - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time; to be paid when the application is determined complete and accepted by the Zoning Administrator – Condition met, verified with Clerk Kean.
 - d. A legal description of the entire property that is the subject of the Special Land Use – Condition met.
 - e. A statement with regard to compliance with the criteria required for approval in Section 16.03 (A)(1)-(5), and other specific criteria imposed by this Ordinance affecting the Special Land Use under consideration – Condition met.
 - f. Other materials as may be required by the Planning Commission or Township Board – Not applicable, as no other materials were required of the applicant.

SITE PLAN

Commission - Section 15.06 exempts the SLU permit application from Chapter 14 site plan review as the new use does not propose any change to the existing footprint of the building involved or require any increase in the number of parking spaces. However, Section 15.06 requires the new use to comply with the following:

1. The previously approved site plan, should one exist. – Condition met. This parcel has been in use for over 50 years, and the Township files have numerous separate materials submitted over the years that functioned as site plans for the various construction and use proposals. The Commission had the parcel files available on October 7, 2020; two commissioners had perused the files and noted that a certificate of occupancy has been issued, and that prior site plans submitted decades ago are so different from current requirements that effectively there is no previously approved site plan of value for consideration of this permit. As every other requirement was in order, the application as submitted was deemed to satisfy the requirements of this provision.
2. All maintenance-related standards of this Ordinance. - These conditions were noted to the applicant, who publicly agreed October 7, 2020, to comply with these provisions:

parking lot striping (Sec. 15.01 (B)(6)(e)), loading areas (Sec. 15.02 (A)), and signs (Sec. 20.03 (B)(1)-(3)).

3. Screening and landscaping requirements of this Ordinance. – Condition met. Section 15.05 delineates the intent of vegetative screening and landscaping, with calculations for how much vegetation to plant, what types of vegetation to plant, and planting patterns to follow. This section also specifies in Sec. 15.05 (C)(9)(a) “Where healthy plant material exists on a site prior to its development or redevelopment variations from the landscape requirements may be approved to allow credit for the existing plant material if the adjustment is (in) keeping with the intent of this Section.” During the October 7, 2020, Commission meeting to discuss this SLU permit application the Commission found the intent of Sec. 15.05 was deemed to be completely met by the existing vegetation, the location of the parcel in an Industrial District, and the nature of the development surrounding the parcel. By motion that night, the Commission then found that as the existing vegetation met the conditions of the Ordinance, no further vegetative planting would be required.

Chapter 16 SLU PERMIT CONDITIONS

Commission – noted that Chapter 16 of the Ordinance has no special conditions for Indoor Recreational Facilities, allowing such a use to be permitted if it meets general development standards and site plan requirements.

BASIS OF DETERMINATION

Section 16.03 – Basis of Determination: While this is the responsibility of the Board of Trustees, the Commission opted to incorporate their findings and other testimony into a format to assist the Board in making these determinations.

A (1) - The Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

The application meets this condition. The parcel is zoned Industrial and is in an industrial and commercially developed area. The proposed use is allowed by permit, and three other parcels in the Township have similar uses, one of those also located on Legion Drive. Operations have been and will remain largely far removed from, and not visible to, neighboring parcels. There will be some traffic, but as has been occurring for decades, and likely less intense. As the operation will utilize the existing parking area and the activity will occur indoors, the use should have no impact on adjacent property or the surrounding area. The topography and existing lines of trees help to minimize visual and sound impacts at the ground level.

A (2) – The Special Land Use shall not change the essential character of the surrounding area.

The application meets this condition. The surrounding parcels are largely developed, and the proposed use is following a small trend of orderly repurposing of industrial buildings as the economy changes. Existing vegetative screening is mature, and no vegetation will be removed.

The proposed increase in traffic will not affect any residential use or business operations. No new construction of any sort is proposed. The proposed transition to indoor recreational facility should essentially be invisible to the area.

A (3) – The Special Land shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, odor, smoke, dust, fumes, glare or site drainage.

The application meets this condition. No hazardous or potentially hazardous situations are planned or anticipated. The proposal will continue use of a long-standing building, with no additional construction or exterior modification. There will be no additional outside storage, burning, additional noises, odors, smoke, vibration, glare, or fumes. Personal vehicle traffic will be greater, but unnoticeable outside of the Legion Drive environs. No pedestrian traffic will occur. Site drainage has been adequate, and should continue to be so. There should be no new negative impacts on the parcel, and thus none to surrounding parcels. There should be no negative consequences to the public health, safety and welfare of persons or property.

A (4) – The Special Land Use shall not place demands on public services and facilities in excess of current capacity.

The application meets this condition. No public road work is needed, and no new public storm water drainage system or public water supply or sewer system will be needed. No activities are planned that would increase the potential need for enhanced law enforcement oversight or presence, or fire services.

A (5) – The Special Land Use shall be in general agreement with the Township Master Plan.

As the Master Plan is currently written, a major goal is orderly development that fits the rural character of the Township. As the proposed use is allowed in an industrial building located in an Industrial District, and involves no additional impacts other than a light increase in personal vehicle traffic, the proposed use meets these goals, and is in general agreement with the Master Plan.

A (6) – The Special Land Use shall comply with all site plan review standards.

The Commission deemed the application to comply with previously submitted site plan materials; the applicant publicly agreed on October 7, 2020, to adhere to the specified maintenance standards; and the screening/landscaping requirements were deemed to be fully met by the existing substantial and mature vegetation. These three site conditions required by Sec. 15.06 were all found to be satisfied once the applicant agreed to the maintenance standards outlined in the Zoning Ordinance.

Commission – asked the Board to consider adding a condition asking the SLU permit holder to notify the Township if the use ends.

A public hearing having been held and full consideration given to SLU Permit application 20-04:

MOTION Lewis, seconded by Minster, to recommend the Board of Trustees approve issuance of Special Land Use Permit #20-04 - Recreational Facilities, Indoors – for the parcel at 4171 Legion Drive, Mason, MI. The Commission further recommends the Board consider the possible additional condition listed in the minutes above.

CARRIED 6-0.

B. Resolution for Member Bruce Walker

With Comm. Walker having submitted his resignation from the Commission effective November 30, 2020, tonight was his final Commission meeting wrapping up eight years of service. Commissioners expressed their appreciation for his work, and the following resolution of tribute was adopted in appreciation of his contributions:

WHEREAS, On November 20, 2012, **Bruce Walker** was elected as Trustee to the Vevay Township Board and during his tenure on the Township Board and in the years since, has served on the Planning Commission; and

WHEREAS, **Bruce Walker** has significantly contributed to the Planning Commission's fulfillment of tasks by his exceptionally developed eye for detail in both concepts and Zoning Ordinance language; ensuring that the public health, safety and welfare is a primary factor in Commission considerations; and especially in seeking to maximize environmental protection in the oversight and approval of various developments; and

WHEREAS, **Bruce Walker's** dedication and service has not gone unnoticed by the citizens of Vevay Township.

NOW, THEREFORE BE IT RESOLVED that the Vevay Township Planning Commission hereby extends a heartfelt *thank you* to **Bruce Walker** for his dedicated service.

BE IT FURTHER RESOLVED that a copy of this resolution be suitably enrolled, framed, and presented to **Bruce Walker** as a symbol of Vevay Township's sincere gratitude.

MOTION McNeilly, seconded by Cady, to adopt the resolution of tribute offered in appreciation for Commissioner Bruce Walker's eight years of faithful and diligent service as a member of the Planning Commission.

CARRIED 6-0.

C. Schedule of 2021 Meeting Dates

MOTION Cady, seconded by Minster, to set the following dates for regular Commission meetings during 2021, all Wednesdays, and all starting at 6:30 pm:

January 6	April 7	July 7	October 6
February 3	May 5	August 4	November 3
March 3	June 9	September 8	December 8

CARRIED 6-0.

D. Election of 2021 Officers

Commissioners Lazet and Walker will be stepping down from the Commission this month, leaving the offices of Vice-Chair and Secretary vacant for December, 2020. Chair McNeilly will be stepping down as chair this month due to her election to the Board of Trustees.

Comm. Lewis was nominated for the position of Chair for December 2020 and for all of 2021; there were no other nominations.

MOTION Minster, seconded by Winters, to elect Comm. Lewis as Chair for December, 2020, and for all of 2021.

CARRIED 6-0.

Comm. Minster was nominated for the position of Vice-Chair for December 2020 and for all of 2021; there were no other nominations.

MOTION Cady, seconded by McNeilly, to elect Comm. Minster as Vice-Chair for December, 2020, and for all of 2021.

CARRIED 6-0.

Comm. McNeilly was nominated for the position of Secretary for December 2020 and for all of 2021; there were no other nominations.

MOTION Cady, seconded by Winters, to elect Comm. McNeilly as Secretary for December, 2020, and for all of 2021.

CARRIED 6-0.

X. Any Other Business

Comm. Lewis – provided an updated document of thoughts and questions regarding accessory buildings/structures when there is no main building on the property. He asked for Commissioners to forward thoughts to him for inclusion in the next report.

Commission - scheduled a special meeting for next Thursday, November 19, starting at 6:00 pm. The agenda will be further discussion of proposed Zoning Ordinance amendments.

XI. Additional Public Comment

There were audience questions about specific parcels around the Township, which were answered.

It was noted that the Edmund Fitzgerald ore freighter sank 45 years ago today. The 29 sailors lost have had a large impact on Michigan and the nation. Likewise, decisions by individuals in the Township have an affect on others in the Township.

XII. Adjournment

There being no further business, the meeting was adjourned at 7:48 p.m.

John Lazet, Secretary